



5-326
entire

ORDINANCE NUMBER 2753

AN ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, BY GRANTING A SPECIFIC USE PERMIT-INTERIM USE FOR A PERIOD OF SEVEN YEARS, BEGINNING JANUARY 5, 2004, AND ENDING JANUARY 5, 2011, TO ALLOW 6 CELLULAR ANTENNA PANELS TO BE MOUNTED ON THREE MODIFIED LIGHT POLES AT 1503 LBJ FREEWAY, GENERALLY LOCATED ON THE NORTH SIDE OF LBJ FREEWAY APPROXIMATELY 1650 FEET WEST OF LUNA ROAD AND WITHIN THE PLANNED DEVELOPMENT NUMBER 78 (PD-78) ZONING DISTRICT; PROVIDING FOR CONDITIONS OF OPERATION; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00); PROVIDING FOR INJUNCTIVE RELIEF; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR AN EXPIRATION DATE.

WHEREAS, the City of Farmers Branch deems it necessary, for the purpose of promoting the health, safety, morals, or general welfare of the City to enact a new zoning ordinance; and

WHEREAS, the City Council has appointed a Planning and Zoning Commission to recommend the boundaries of the various original zoning districts and appropriate regulations be enforced therein and to recommend a new zoning ordinance to amend the Comprehensive Zoning Ordinance; and

WHEREAS, the Planning and Zoning Commission has divided the City into districts and has prepared regulations pertaining to such districts in accordance with a comprehensive plan and designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health, general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; and

WHEREAS, the Planning and Zoning Commission, has given reasonable consideration, among other things, the character of the districts and their peculiar suitability for particular uses, with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City; and

WHEREAS, the Planning and Zoning Commission of the City of Farmers Branch and the City of Farmers Branch City Council, in compliance with the Charter of the City of Farmers Branch, and state law with reference to the granting of changes to the zoning classifications under the Zoning Ordinance Regulations and Zoning Map, have given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally, and to the persons interested and situated in the affected area and in the vicinity thereof; and,

WHEREAS, the applicant in Zoning Case #03-SU-15 has agreed to be bound by the terms of their application for zoning and the provisions contained in the Zoning Ordinance concerning the granting of a specific use permit-interim use; and,

WHEREAS, the applicant has committed that the value of any improvements to be constructed or installed pursuant to this ordinance will be fully amortized prior to the expiration of the specific use permit-interim use; and

WHEREAS, the City of Farmers Branch City Council is of the opinion that in order to protect the public health, welfare and safety, said change in zoning should be made.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS:

SECTION 1. That all matters stated in the preamble are found to be true and correct and are incorporated herein as if copied in their entirety.

SECTION 2. That the Comprehensive Zoning Ordinance of the City of Farmers Branch, Texas, be, and the same is hereby amended, by amending the Zoning Map of the City of Farmers Branch so as to grant a Specific Use Permit-Interim Use, beginning on January 5, 2004 and expiring on January 5, 2011, to allow six (6) cellular communications antenna panels to be mounted by Cingular Wireless on 3 modified light poles on the roof of the existing parking garage located at 1503 LBJ Freeway and within the Planned Development Number 78 (PD-78) zoning district. (See Exhibit "A".)

SECTION 3. That the above described property shall be used only in the manner and for the purpose provided by the Comprehensive Zoning Ordinance of the City of Farmers Branch as herein amended by the granting of a Specific Use Permit-Interim Use and approval of an associated site plan for the placement of six (6) cellular antenna panels on 3 modified light poles to be constructed, situated and located in accordance with the approved site plan attached as Exhibit "A".

SECTION 4. That Cingular Wireless, or subsequent owner of the antenna system, associated equipment cabinets, and other appurtenances shall remove the antenna system, associated equipment cabinets, and all appurtenances within ninety (90) days subsequent to the earlier of the following event(s): 1) such time that the antenna and equipment building become obsolete and the use is abandoned, or 2) the expiration of this Specific Use Permit-Interim Use.

SECTION 5. That any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Farmers Branch, and upon conviction shall be punished by a fine not to exceed the sum of two thousand (\$2,000.00) dollars for each offense.

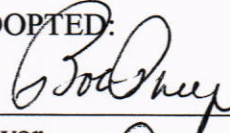
SECTION 6. If any section, paragraph, subdivision, clause, phrase, or provision of this ordinance shall be judged invalid or unconstitutional, the same shall not affect the validity of this ordinance as whole or any portion thereof other than that portion so decided to be invalid or unconstitutional.

SECTION 7. In addition to, and accumulative of all other penalties, the City shall have the right to seek injunctive relief for any and all violations of this ordinance.

SECTION 8. This ordinance shall take effect immediately from and after its passage as the law in such case provides.

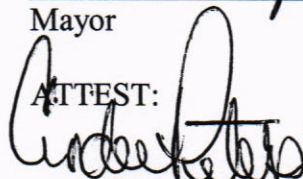
Duly passed by the City Council of the City of Farmers Branch, Texas, on this the 5th day of January, 2004.

ADOPTED:



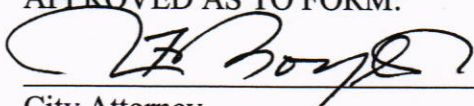
Mayor

ATTEST:



City Secretary

APPROVED AS TO FORM:



City Attorney

(approved by City Atty. M. Boyle 12/24/03)

Exhibit "A" (page 1 of 2)

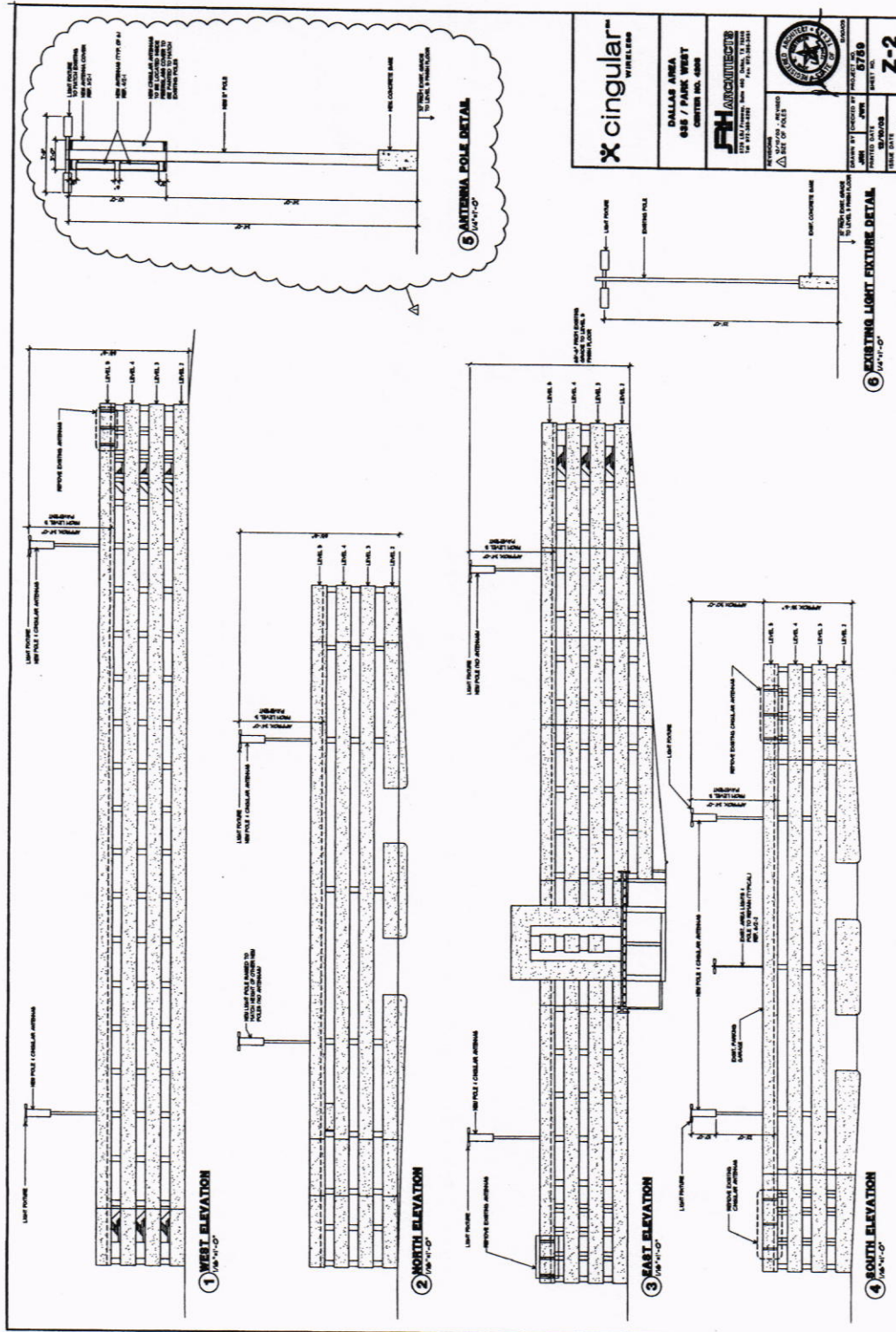


Exhibit "A" (page 2 of 2)